

May One Ruin a Partnership by Relating Negative Information?

HaRav Chaim Weg

Question: Two people are in negotiations to enter into a partnership. If I know negative information about one partner, may I proactively give over this information to the other partner potentially preventing the partnership from being formalized? What if I am approached by one potential partner and asked my opinion of the other; does that change the halacha at all?

Answer: The Chofetz Chaim discusses these types of questions in great length at the end of Hilchos Rechilus. He basically divides them into three categories.

1. A person is not allowed to advise someone to enter into a partnership with another unless he really feels it is definitely a good idea. If one has any reason to believe the partnership is not a good idea, he should not advise them to become partners.
2. If they already are in negotiations to become partners, giving over unsolicited negative information is only permitted if one knows the facts firsthand and he knows that this issue would adversely affect the partnership.
3. If one of the potential partners asks for one's opinion, one is allowed to relate what he knows, provided that he knows the facts firsthand and the information is relevant in some way to the partnership. If the person asks a question about his potential partner that is completely irrelevant to the partnership, one should avoid answering.

The Chofetz Chaim adds a *chiddush* that if one answers a question or gives advice when he's not permitted, and by doing so causes the partnership not to materialize, he is considered a *rasha* because, in addition to speaking *lashon hara*, he has transgressed the prohibition of *ani mehapech becharara*. He explains that just as one who undercuts a competitor and ruins a deal he was close to finalizing is called a *rasha* for taking away someone else's potential profits, so too if one ruins a partnership that was close to being finalized and thus takes away potential profits by relating information he is forbidden to reveal, he is also called a *rasha*.